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UNITED STATES OF AMERICA,

NOTICE OF MOTION
TO SUPPRESS

-v-

07- CR- 986 (WHP)

RAUL BARBON and
JOHANS SANTATA,
Defendants.

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PLEASE TAKE NOTICE, that the defendant, RAUL BARBON, by his attorney, James Michael Lenihan of Lenihan and Associates and upon the annexed affidavits, exhibits, and accompanying Memorandum of Law, as well as the pleadings and proceedings heretofore and herein, will move this Court, before the Honorable William Pauley III, in the United States District Court for the Southern District of New York, located at the Daniel Patrick Moynihan United States Courthouse 500 Pearl Street New York, NY 10007, on June 4, 2008 at 10:00 a.m. or as soon thereafter as counsel may be heard, for an Order:

1. Pursuant to Rule 12(b)(3)(C) of the Federal Rules of Criminal Procedure, suppressing all items seized from the Defendant and Defendant's apartment during the warrantless entry and search into the Defendant's apartment by police officers of the New York City Police Department. The warrantless entry lacked probable cause, requiring a dismissal of the Indictment, or in the alternative, an Order directing that an evidentiary hearing be held as to the admissibility of these items;
2. Pursuant to Rule 12(b)(3)(C) of the Federal Rules of Criminal Procedure, suppressing all items seized pursuant to the seizure / search warrant issued herein, as such warrant was obtained by false and misleading information or in the alternative, directing that an evidentiary hearing be held as to the admissibility of these items;
3. Suppressing statements, pursuant to Fed. R. Crim. P. 12(b)(3);

4. Permitting the defendant JOHANS SANTATA to join in and adopt as his own any motion filed on behalf of his co—defendant RAUL BARBON, insofar as he may have standing to do so and they are applicable to him;
5. For such other and further relief as the Court may deem just and proper.

DATED: May 5, 2008
White Pains, New York

James Michael Lenihan
Attorney for Defendant, Raul Borbon
235 Main Street
White Plains, New York 10601

To Hon. William H Pauley
United States Courthouse
500 Pearl St., Room 2210
New York, NY 10007

A.U.S.A. Benjamin Naftalis
1 St. Andrews Plaza
New York City, NY 10007